

McKool Smith

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August 26, 2014

VIA HAND DELIVERY

The Honorable George B. Daniels
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312

RE: *U.S. Bank National Association, solely in its capacity as Trustee for Citigroup Mortgage Loan Trust 2007-AR7 v. Citigroup Global Markets Realty Corp.*, No. 13 Civ. 6989 (GBD)

Dear Judge Daniels:

We represent the plaintiff in the above-referenced matter. As explained in the attached request for judicial notice, we write to request that the Court take judicial notice of the enclosed July 14, 2014 Settlement Agreement between Citigroup, Inc., on the one hand, and the United States Department of Justice and certain States, on the other, and the July 14, 2014 Statement of Facts, which was acknowledged by Citigroup, Inc., and incorporated into the Settlement Agreement. The Justice Department released these documents to the public after defendant's motion to dismiss was fully briefed.

The request for judicial notice explains that as part of its settlement with the Justice Department, Citigroup, Inc.—the defendant's ultimate parent company—conceded that defendant Citigroup Global Markets Realty Corp. knew of breaches of representations and warranties with respect to the loans it sold into numerous trusts, including the trust at issue here, based on the results of due diligence it conducted on those loans. The admissions contained in these documents, therefore, are directly relevant to the pending motion to dismiss. And because Citigroup, Inc., itself signed the Settlement Agreement and acknowledged the truth of the facts contained in the Justice Department's Statement of Facts, these documents fit well within the requirements for judicial notice.

Finally, the attached request for judicial notice and accompanying declaration were previously filed on Friday, August 22, 2014 (ECF Dkt. Nos. 44 & 45). However, they were inadvertently filed using incorrect ECF categories. We therefore request that the Court direct the ECF clerk to remove them from the docket in light of our filing of this letter and its enclosures, which are the same documents currently listed as Nos. 44 and 45.

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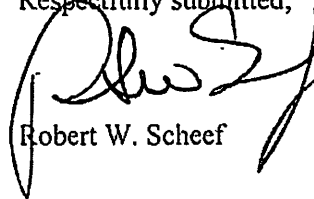
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We are available to discuss these matters at the Court's convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Scheef', with a large, stylized initial 'R' and a long, sweeping horizontal stroke.

Robert W. Scheef